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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 23-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 23-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *See Continuation Sheet*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/20/06, 01/10/06, 01/28/05, 07/15/04.

DETAILED ACTION

Response to Amendment

1.   This action is response to the Amendment field on 17 September 2007. Claims

1-21, and 23-37 are pending in this application. Claims 1, 8, 20, and 26 have been

amended. Claims 33-37 are added new and claim 22 is being cancelled.

2.   Applicant's arguments, see remarks, filed 09/17/2007, with respect to the

Drawing have been fully considered after amendment and are persuasive. The

objection to the drawing has been withdrawn.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-21 and 23-37 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

4.   **Claims 1-7,** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Neely, III et al. (Neely) (US 2004/0139157 A1) in view of Kuthyar et al. (Kuthyar) (US

Patent # 5,768,513) and further in view of Barrus et al. (Barrus) (US Patent #

6,784,899).

Regarding claim 1, Neely discloses a method comprising: setting an index value of a

multimedia message (see pg. 8, par. 0081) based on whether the multimedia is a new

multimedia message or a previously sent multimedia message; and forwarding the

multimedia message based on the set index value. Neely discloses substantially the

invention as claimed above however does not explicitly disclose wherein said based on

whether the multimedia is a new multimedia message or a previously sent multimedia

message and forwarding the multimedia message based on the set index value.

However in the same field of invention, Barrus and Kuthyar disclose wherein said based

on whether the multimedia is a new multimedia message or a previously sent

multimedia message (see Barrus: col. 24, lines 35-46, 52-58); and forwarding the

multimedia message based on the set index value (see Kuthyar: pg. 5, lines 20-25).

Therefore, it would have been obvious to one of the ordinary skills in the art of

networking at the time of the invention to combine the teaching of Neely, Barrus, and

Kuthyar for a method comprising setting an index value of a multimedia message and

forward the message based on the set index value. Motivation for doing so would have

been that it provides an improved multimedia messaging service capabilities (see

Kuthyar: pg. 1, lines 58-60).

Regarding claim 2, Neely discloses the method of claim 1, wherein the index value is

set in a header of the multimedia message (see pg. 4, par. 0043, fig. 1).

Regarding claim 3, Neely discloses the method of claim 2, wherein the index value

comprises a predetermined bit in order to discriminate the multimedia message from

other multimedia messages (see pg. 8, par. 0081).

Regarding claim 4, Neely discloses the method of claim 2, wherein the index value is

set as a value corresponding to other than '0' by a multimedia messaging service server

(see pg. 6-7, par. 0070, pg. 3, par. 0039).

Regarding claim 5, Neely discloses the method of claim 2, wherein the index value is

set as a value corresponding to '0' when contents of the multimedia message change

(see pg. 6-7, par. 0070, pg. 3, par. 0039).

Regarding claim 6, Neely discloses the method of claim 2, wherein the index value is set as a value corresponding to '0' when the multimedia message is deleted from a mailbox (see fig. 8, pg. 9, par. 0087, pg. 3, par. 0039).

Regarding claim 7, the combination of Neely and Kuthyar disclose the method of claim 1, wherein forwarding the multimedia message (see Kuthyar: pg. 5, lines 20-25) comprises forwarding the multimedia message from a server to a user agent (see Neely: pg. 2, par. 0012).

5.   **Claims 8-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Neely, III et al (Neely) (US 2004/0139157 A1) in view of Barrus et al. (Barrus) (US Patent # 6,784,899).

Regarding claim 8, Neely discloses a method comprising: transmitting header information of a multimedia message from a user agent to a server (see pg. 1, par. 0005, pg. 2, par. 0012); and determining an index value of the transmitted header information (see pg. 8, par. 0081, pg. 10, par. 0097), wherein the index value indicates whether the multimedia is a new multimedia message or a previously sent multimedia message. Neely discloses substantially the invention as claimed above however does not explicitly disclose wherein the index value indicates whether the multimedia is a new multimedia message or a previously sent multimedia message. However in the same field of invention Barrus discloses wherein the index value indicates whether the

multimedia is a new multimedia message or a previously sent multimedia message (see col. 24, lines 35-46, 52-58). Therefore it would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Neely and Barrus for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have been because it this functionality extends the usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines 49-52).

Regarding claim 9, Neely discloses the method of claim 8, further comprising retrieving a multimedia message having a same index value in a mailbox (see pg. 6, 0060, pg. 7, par. 0075).

Regarding claim 10, Neely discloses the method of claim 9, further comprising inserting information of a receiving side in the retrieved multimedia message (see pg. 6, par. 0060, 0067).

Regarding claim 11, Neely discloses the method of claim 10, further comprising transmitting the multimedia message to a user agent on the receiving side (see pg. 11, par. 0108).

Claim 12, is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely, III et al

(Neely) (US 2004/0139157 A1) in view of Barrus et al. (Barrus) (US Patent #

6,784,899), and further in view of Kuthyar et al. (Kuthyar) (US Patent # 5,768,513).

Regarding claim 12, Neely and Barrus substantially disclose the limitations of claim 8

for the above reason, however do not explicitly disclose wherein said the method of

claim 10, wherein the information of the receiving side comprises one of a telephone

number and an address of the receiving side. However in the same field of invention,

Kuthyar discloses the method of claim 10, wherein the information of the receiving side

comprises one of a telephone number and an address of the receiving side (see fig. 2,

col. 4, lines 7-23). Therefore it would have been obvious to one of the ordinary skill in

the art of networking at the time of the invention to combine the teaching of Neely,

Barrus, and Kuthyar for receiving information where information contains telephone

number and an address of the receiving side. Motivation for doing so would have been

that it provides an improved multimedia messaging service capabilities (see Kuthyar:

pg. 1, lines 58-60).

Regarding claim 13, Neely discloses the method of claim 8, wherein the index value

predetermined bit to discriminate among multimedia messages (see pg. 8, par. 0081).

Regarding claim 14, Neely discloses the method of claim 8, further comprising a

multimedia server setting the index value to correspond to a value other than '0' (see

pg. 6-7, par. 0070, pg. 3, par. 0039).

Regarding claim 15, Neely discloses the method of claim 14, wherein the index value

is set to correspond to '0' when contents of the multimedia message changes (see pg.

6-7, par. 0070, pg. 3, par. 0039).

Regarding claim 16, Neely discloses the method of claim 14, wherein the index value

is set to correspond to '0' when the multimedia message is deleted from a mailbox (see

fig. 8, pg. 9, par. 0087, pg. 3, par. 0039).

Regarding claim 17, Neely discloses the method of claim 8, further comprising

transmitting the multimedia message (see pg. 1, par. 0005, pg. 2, par. 0012) when the

index value corresponds to '0' (see pg. 6-7, par. 0070).

Regarding claim 18, Neely discloses the method of claim 8, where wherein the

multimedia message stored in a mailbox has a predetermined storage time set by a

multimedia user agent (see pg. 1, par. 0008, pg. 12-13, par. 0124).

Regarding claim 19, Neely discloses the method of claim 18, further comprising

automatically deleting the multimedia message stored in the mailbox when the set

storing time elapses (see pg. 9, par. 0087, pg. 12-13, par. 0124).

Regarding claim 20, Neely discloses a multimedia communication method comprising:

receiving a header information of a multimedia message (see pg. 9, par. 0087, pg. 4,

par. 0043), wherein the header information includes an index value that indicates

whether the multimedia is a new multimedia message or a previously sent multimedia

message; and determining how to communicate a multimedia message based on the

received header information (see pg. 10, par. 0097). Neely discloses substantially the

invention as claimed above however does not explicitly disclose wherein the header

information includes an index value that indicates whether the multimedia is a new

multimedia message or a previously sent multimedia message. However in the same

field of invention Barrus discloses wherein the header information includes an index

value that indicates whether the multimedia is a new multimedia message or a

previously sent multimedia message (see col. 24, lines 35-46, 52-58). Therefore it

would have been obvious to one of the ordinary skill person in the art of networking to

combine the teaching of Neely and Barrus for a method comprising setting an index

value of a multimedia message and forward the message based on the set index value.

Motivation for doing so would have been because it this functionality extends the

usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines

49-52).

Regarding claim 21, Neely discloses the method of claim 20, wherein determining how

to communicate comprises determining an index value of the multimedia message (see

pg. 8, par. 0081).

Regarding claim 22, (Cancelled).

Claim 23, is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely, III et al

(Neely) (US 2004/0139157 A1) in view of Barrus et al. (Barrus) (US Patent #

6,784,899), and further in view of Kuthyar et al. (Kuthyar) (US Patent # 5,768,513).

Regarding claim 23 Neely and Barrus substantially disclose the limitations of claim 20

for the above reason, however do not explicitly disclose wherein said the method of

claim 21, further comprising forwarding the multimedia message from a first user agent

to a second user agent based on the determined index value. However in the same field

of invention, Kuthyar discloses the method of claim 21, further comprising forwarding

the multimedia message from a first user agent to a second user agent based on the

determined index value (see pg. 5, lines 20-25). Therefore it would have been obvious

to one of the ordinary skill in the art of networking at the time of the invention to combine

the teaching of Neely, Barrus and Kuthyar for forwarding the multimedia message from

a first user agent to a second user agent based on the determined index value.

Motivation for doing so would have been that it provides an improved multimedia

messaging service capabilities (see Kuthyar: pg. 1, lines 58-60).

Regarding claim 24, Neely discloses the method of claim 21, further comprising

retrieving a multimedia message having a similar index value from a memory based on

the determined index value (see pg. 7, par. 0075-0076).

Regarding claim 25, Neely discloses the method of claim 24, further comprising

associating identification information of a receiving side with the retrieved multimedia

message (see pg. 10, par. 0096, pg. 12, par. 0114).

Regarding claim 26, Neely discloses a server comprising: a receiving device to receive

at least an index value of a multimedia message (see pg. 9, par. 0087, pg. 4, par.

0043); a processor to select information to transmit based on the index value (see pg. 8,

col. 0079), wherein the index value indicates whether the multimedia is a new

multimedia message or a previously sent multimedia message; and a transmitting

device to transmit at least the selected information (see pg. 8, par. 0081, pg. 10, par.

0097). Neely discloses substantially the invention as claimed above however does not

explicitly disclose wherein the index value indicates whether the multimedia is a new

multimedia message or a previously sent multimedia message. However in the same

field of invention Barrus discloses wherein the index value indicates whether the

multimedia is a new multimedia message or a previously sent multimedia message (see

col. 24, lines 35-46, 52-58). Therefore it would have been obvious to one of the

ordinary skill person in the art of networking to combine the teaching of Neely and

Barrus for a method comprising setting an index value of a multimedia message and

forward the message based on the set index value. Motivation for doing so would have been because it this functionality extends the usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines 49-52).

Regarding claim 27, Neely discloses the server of claim 26, wherein the index value is provided in a header of the multimedia message (see pg. 4, par. 0043, fig. 1).

Regarding claim 28, Neely discloses the server of claim 26, wherein the index value comprises a predetermined bit in order to discriminate the multimedia message from other multimedia messages (see pg. 8, par. 0081).

Regarding claim 29, Neely discloses the server of claim 26, wherein the processor sets the index value to correspond to '0' when contents of the multimedia message change (see pg. 6-7, par. 0070, pg. 3, par. 0039).

Regarding claim 30, Neely discloses the server of claim 26, wherein the processor sets the index value to correspond to '0' when the multimedia message is deleted from a mailbox (see fig. 8, pg. 9, par. 0087, pg. 3, par. 0039).

Claim 31, is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely, III et al (Neely) (US 2004/0139157 A1) in view of Barrus et al. (Barrus) (US Patent # 6,784,899), and further in view of Kuthyar et al. (Kuthyar) (US Patent # 5,768,513).

Regarding claim 31, Neely and Barrus substantially disclose the limitations of claim 26

for the above reason, however do not explicitly disclose wherein said the method of

claim 26, wherein the processor decides to forward the multimedia message from a first

user agent to a second user agent based on the received index value. However in the

same field of invention, Kuthyar discloses the method of claim 26, wherein the

processor decides to forward the multimedia message from a first user agent to a

second user agent based on the received index value (see pg. 5, lines 20-25).

Therefore it would have been obvious to one of the ordinary skill in the art of networking

at the time of the invention to combine the teaching of Neely, Barrus, and Kuthyar for

forwarding the multimedia message from a first user agent to a second user agent

based on the determined index value. Motivation for doing so would have been that it

provides an improved multimedia messaging service capabilities (see Kuthyar: pg. 1,

lines 58-60).

Regarding claim 32, Neely discloses the server of claim 26, wherein the processor

decides to retrieve a multimedia message having a similar index value from a memory

based on the determined index value (see pg. 7, par. 0075-0076).

Regarding claim 33 (New), Neely discloses a method for processing a multimedia

message comprising:

transmitting one of (a) the multimedia message including the index value in the header

of the multimedia message (see pg. 4, par. 0043, fig. 1), wherein the index value

indicates that the multimedia message is a new multimedia message or a changed

multimedia message from a previously sent multimedia message and (b) only the

header of the multimedia message, wherein the index value of header indicates the

multimedia message was a previously sent multimedia message, which has not

changed (see pg. 6-7, par. 0070, pg. 3, par. 0039); and receiving one of the header and

the multimedia message (see pg. 10, par. 0096, pg. 12, par. 0114), wherein when only

the header is received, retrieving a stored multimedia message having the same index

value as the received header (see pg. 7, par. 0075-0076). Neely discloses substantially

the invention as claimed above however does not explicitly disclose wherein said the

index value indicates that the multimedia message is a new multimedia message or a

changed multimedia message from a previously sent multimedia message. However in

the same field of invention Barrus discloses wherein said the index value indicates that

the multimedia message is a new multimedia message or a changed multimedia

message from a previously sent multimedia message (see col. 24, lines 35-46, 52-58).

Therefore it would have been obvious to one of the ordinary skills person in the art of

networking to combine the teaching of Neely and Barrus for a method comprising

setting an index value of a multimedia message and forward the message based on the

set index value. Motivation for doing so would have been because it this functionality

extends the usefulness of the multimedia message system's capabilities (see Barrus:

col. 2, lines 49-52).

Regarding claim 34 (New), Neely discloses the method of claim 33, wherein the index

value is set as a '0' when the multimedia message is a new multimedia message or the

changed multimedia message (see pg. 6-7, par. 0070, pg. 3, par. 0039).

Regarding claim 35 (New), Neely discloses the method of claim 33, wherein the index

value is set other than '0' to discriminate among multimedia messages when the

multimedia message is the previously sent multimedia message, which has not

changed (see pg. 6-7, par. 0070, pg. 3, par. 0039).

Regarding claim 36 (New), Neely discloses the method of claim 35, wherein the index

value includes a predetermined bit to discriminate among multimedia messages (see

pg. 8, par. 0081).

Claim 37, is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely, III et al

(Neely) (US 2004/0139157 A1) in view of Barrus et al. (Barrus) (US Patent #

6,784,899), and further in view of Kuthyar et al. (Kuthyar) (US Patent # 5,768,513).

Regarding claim 37 (New), the combination of Neely and Kuthyar disclose the method

of claim 33, forwarding the retrieved multimedia message or forwarding the received

multimedia message (see Kuthyar: pg. 5, lines 20-25, Neely, pg. 2, par. 0012).

Neely and Barrus substantially disclose the limitations of claim 33 for the above reason,

however do not explicitly disclose wherein said the method of claim 33, forwarding the

retrieved multimedia message or forwarding the received multimedia message.

However in the same field of invention, Kuthyar discloses the method of claim 33,

forwarding the retrieved multimedia message or forwarding the received multimedia

message (see Kuthyar: pg. 5, lines 20-25, Neely: pg. 2, par. 0012). Therefore it would

have been obvious to one of the ordinary skill in the art of networking at the time of the

invention to combine the teaching of Neely, Barrus, and Kuthyar for forwarding the

multimedia message from a first user agent to a second user agent based on the

determined index value. Motivation for doing so would have been that it provides an

improved multimedia messaging service capabilities (see Kuthyar: pg. 1, lines 58-60).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any
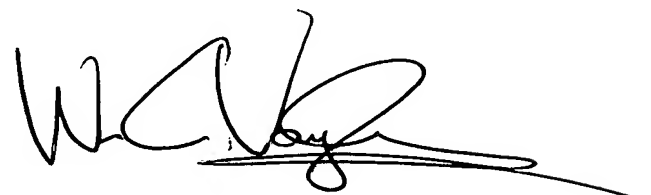
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Umar Cheema whose telephone number is 571-270-

3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Vaughn, Jr. can be reached on 571-272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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